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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,474	01/09/2002	Emmanuel Yashchin	YOR920010540	2599
30743	7590	03/15/2005	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			BATURAY, ALICIA	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/040,474

Applicant(s)

YASHCHIN ET AL.

Examiner

Alicia Baturay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-15 are pending.

***Specification***

2. The disclosure is objected to because of the following informalities: in line 11 of the Abstract, “biometrics” is misspelled. Appropriate correction is required.
3. The disclosure is objected to because of the following informalities: in line 10 of page 3, “biometrics” is misspelled. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5 and 8-12, are rejected under 35 U.S.C. 102(e) as being anticipated by Cragun (U.S. 6,557,027).
6. With respect to claim 1, Cragun discloses a messaging system comprising: an interactive system for production and interchange of messages by users over a network; a topic separator receiving user messages and separating messages according to different topics; and a user

interface, coupled to said topic separator, for representing in a distinct way parts of messages that were separated by said topic separator (Cragun, col. 5, lines 1-10).

7. With respect to claim 2, Cragun discloses the invention substantially as described in claim 1, including the messaging system further comprising a time synchronizer for time stamping messages, the topic separator being responsive to said time synchronizer to determine relationships between messages (Cragun, col. 6, lines 54-60).
8. With respect to claim 3, Cragun discloses the invention substantially as described in claim 1, including the messaging system wherein said user interface displays messages in windows according to topic (Cragun, Fig. 6, element 530; col. 5, lines 17-22).
9. With respect to claim 4, Cragun discloses the invention substantially as described in claim 1, including the messaging system wherein said user interface displays messages in different colors according to topic (Cragun, col. 5, lines 6-10).
10. With respect to claim 5, Cragun discloses the invention substantially as described in claim 1, including the messaging system further comprising a security system to verify a user's identity (Cragun, col. 4, lines 8-16).
11. With respect to claim 8, Cragun discloses a method of conducting a messaging session at a user's computer between two or more users over a network comprising the steps of: receiving

a message over the network from a user; identifying a topic of the received message (Cragun, col. 5, lines 1-6); determining if the topic of the received message has changed from a previous message (Cragun, col. 7, lines 26-29); determining if a changed topic is a new topic; and if a new topic, opening a new window to display the received message (Cragun, col. 7, lines 42-44).

12. With respect to claim 9, Cragun discloses the invention substantially as described in claim 8, including the method of conducting a messaging session wherein if the topic of a received message has not changed, further comprising the step of displaying the received message in a currently opened window (Cragun, col. 7, lines 29-35).

13. With respect to claim 10, Cragun discloses the invention substantially as described in claim 8, including the method of conducting a messaging session wherein if a changed topic is not a new topic, further comprising the step of displaying the received message in a previously opened window (Cragun, col. 7, lines 29-35).

14. With respect to claim 11, Cragun discloses the invention substantially as described in claim 8, including the method of conducting a messaging session further comprising the step of identifying a time of a received message (Cragun, col. 6, lines 54-60), the steps of determining if the topic of the received message has changed from a previous message (Cragun, col. 7, lines 26-29) and determining if a changed topic is a new topic using the time

of the received message to determine whether the topic has changed or is a new topic (Cragun, col. 6, lines 48-50).

15. With respect to claim 12, Cragun discloses the invention substantially as described in claim 8, including the method of conducting a messaging session further comprising the step of checking a user's identity (Cragun, col. 7, lines 9-12).

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 7, 13, and 15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cragun and further in view of Maes et al. (U.S. 6,016,476).
18. With respect to claim 7, Cragun discloses a messaging system including a security system (Cragun, col. 4, lines 8-16). But Cragun does not expressly disclose the use of biometrics. However, Maes does teach the messaging system wherein said security system includes a biometric module for verification of a user's identify (Maes, col. 8, lines 52-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify Cragun with Maes in order to add a level of verification that an unauthorized user could not duplicate (Maes, col. 4, lines 7-11).

19. With respect to claim 13, the combination of Cragun and Maes (Cragun-Maes) discloses the invention substantially including the method of conducting a messaging session recited wherein the step checking a user's identity comprises the steps of asking the user random questions (Maes, col. 8, lines 18-21) and evaluating the user's answers (Maes, col. 8, lines 56-59).

20. With respect to claim 15, Cragun-Maes discloses the invention substantially as described in claim 12, including the method of conducting a messaging session wherein the step of checking a user's identity is performed using biometrics (Maes, col. 8, lines 52-56).

21. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cragun-Maes and further in view of Fredell et al. (U.S. 2001/0028364).

22. With respect to claim 6, Cragun-Maes discloses a messaging system wherein said security system includes a database of questions from which random questions are posed to a user (Maes, col. 8, lines 18-21). But Cragun-Maes does not expressly disclose a security system in which another user verifies the answers. However, Fredell does teach verification of validity of answers to posed questions is done by users of the system (Fredell, page 7, paragraph 89).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cragun-Maes with Fredell in order to allow persons to communicate securely and add and drop persons from the session when necessary (Fredell, page 1, paragraph 6).

23. With respect to claim 14, the combination of Cragun-Maes and Fredell (Cragun-Maes-Fredell) discloses the invention substantially including the method of conducting a messaging session wherein the step of evaluating the user's answers is performed by another user (Fredell, page 7, paragraph 89).



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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay  
March 10, 2005

  
**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**